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Title:

Many Chains to Break: The multi-dimensional concept of *slave labour* in Brazil

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Abstract:

This article examines the concept of *slave labour* through two case studies from Brazil. One involves internal migrant workers and the other cross-border migrant workers. There have been accusations of slave labour in both cases. I argue that slave labour is a multi-dimensional concept and that cognate notions (eg, forced and unfree labour) could also be reconceived as multi-dimensional. Recent works have proposed that a continuum viewing labour relations as more or less free should replace dichotomies such as free vs. unfree. I argue for taking this further to recognise, first, that workers may be more or less free in different ways and second, that the resulting conditions of employment can be characterised as more or less degrading, also in different ways. This multi-dimensional approach allows for a better understanding of the heterogeneity of apparently unfree labour relations and for greater recognition of the agency of workers labelled as slaves.

1. INTRODUCTION

This article examines the concept of *slave labour* in Brazil to argue that it is a multi-dimensional one, and to suggest that cognate notions such as forced and unfree labour could also be reconceived as multi-dimensional. Following lengthy debates on whether and how to distinguish between freedom and unfreedom, recent works have begun to move towards a continuum approach, identifying labour relations as “more” or “less” free. I argue that a higher level of complexity is necessary: firstly, to recognise that workers may be more or less free in different ways; and secondly, to acknowledge that the resulting conditions of employment can be characterised as more or less degrading, also in different ways.

This multi-dimensional approach can highlight the distinctions among related phenomena such as debt bondage, trafficking and state-enforced unfree labour (eg, in concentration camps). It can allow for new categories which better describe the dynamics at work or signal how these dynamics are changing – as in the term “neo-bondage” (Bremman 1994; De Neve 1999; Guérin et al 2009; Lerche 2007). But perhaps most importantly, acknowledging the multiple dimensions which inherently form judgments about what constitutes slave labour allows for the recognition of agency – and therefore the potential for solidarity.

The issues of forced labour, trafficking, and “contemporary slavery” have been in the spotlight since the late 1990s due to the apparent persistence (or even resurgence) of forced and degrading work, but also due to states’ (and popular) concerns over immigration, organized crime, and globalization. The International Labour Organisation (ILO) established the elimination of forced labour as one of four “core labour standards” in its 1998 *Declaration on Fundamental Principles and Rights at Work* and the United Nations adopted the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* as part of the *Convention against Transnational Organized Crime* in 2000. Many governments have adopted or updated laws on forced labour and trafficking since, eg, the Trafficking Victims Protection Act passed in the United States in 2000.

Unfree labour has been a key theme in political economy, particularly in works concerning agrarian change (Brass and Van Der Linden, eds. 1997; Bremman, Guérin and Prakash, eds. 2009; Cohen 1987; Miles 1987). But the 1999 publication of *Disposable People: New Slavery in the Global Economy* by Kevin Bales heralded a wave of popular and academic works on the topic outside this tradition. Bales' work has been especially influential in this wave of literature, and has also influenced policy reports on forced labour. In particular, the phrase “new slavery” has been widely adoptedⁱ, the way in which this is distinguished from “old slavery” has been replicatedⁱⁱ, and Bales’ estimate of 27 million “slaves” worldwideⁱⁱⁱ has been reproduced.^{iv}

The idea that unfree labour persists in an increasingly capitalist world should also interest labour geographers, not least because a key question in labour geography centres on workers’ agency (Castree 2007; Coe and Jordhus-Lier 2010; Lier 2007; Tufts and Savage 2009). For analytical reasons, then, the topic deserves greater attention within labour geography (Strauss 2012). Here I begin from the concern expressed by Rogaly that the concept of forced labour may include “labour relations which contain elements of freedom as well as unfreedom, degrees of manoeuvrability, negotiation and contestation” (2008a:1444). I wish to explore whether this means abandoning such concepts altogether, or whether we can hold on to a notion such as slave labour while recognising the heterogeneity of labour relations referred to by such a term.

As will be explained below, the term slave labour rather than other terms such as forced or unfree labour is commonly used in Brazil today. This article explores what is meant by this term, drawing on two case studies of slave labour among migrant workers in Brazil. I find that there are multiple dimensions of unfreedom in labour relations which, depending on their severity and in conjunction with multiple dimensions of degradation, help determine whether the situation constitutes slave labour. Unfreedom here refers to restrictions on: freedom of movement; freedom to change employers; and/or freedom to contest conditions; each of which might take a variety of forms.

My overall argument is that in the Brazilian context, the term slave labour represents a multi-dimensional concept and that we should approach similar concepts such as contemporary slavery, forced labour, unfree labour and trafficking in this way. Section 2.1, therefore, briefly summarises existing definitions of this latter set of concepts. Section 2.2 offers analytical and ethico-political critiques of these concepts from those advocating a continuum (or spectrum) approach, upon which the multi-dimensional approach being proposed here builds. Section 2.3 introduces the concept of slave labour in Brazil. Section 3 presents the methodology. The analysis then consists of: identifying dimensions of unfreedom in Section 4.1; arguing for degradation as indicative of unfreedom in Section 4.2; identifying dimensions of degradation in Section 4.3; and considering how a multi-dimensional approach allows for greater recognition of agency in Section 4.4. Section 5 concludes.

2.1 DEFINITIONS

The concept of slave labour in Brazil is distinct from but overlaps with concepts such as forced labour, trafficking, contemporary “slavery,” and unfree labour. These concepts and some key definitions of each will therefore be presented in this section. While the concepts and definitions differ, restrictions on workers’ freedoms are a common element.

Most relevant is *forced labour*, defined in ILO Convention No. 29 (1930) as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”^v Laws complying with the convention are diverse, and the written definition has itself been (re)interpreted by the ILO’s supervisory bodies to counter the importance seemingly given to initial consent. Consent is now understood as “irrelevant” if achieved through “deception or fraud, or the retention of identity documents” (Belser 2005:2-3).

The concept of *trafficking* is also particularly relevant given that slave labour in Brazil typically involves migrants. This is in spite of problematic associations between trafficking and sex work, both in the Brazilian context and in the UN Protocol on Trafficking. But trafficking is increasingly being understood in a broader sense in Brazil, and the UN Protocol does stress how physical movement, especially across borders (the “recruitment, transportation, transfer, harbouring or receipt of persons”), is a process which can create vulnerability (to the “threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability...”)^{vi} resulting in forced labour (or “control over another person, for the purpose of exploitation...”).^{vi}

While these definitions seek to facilitate immediate legal and policy practices, scholarly definitions have other concerns. For Marxist authors a central one is in understanding the role of unfree labour in the context of capitalism (and/or other modes of production). To generalise, Marxists see even “free” labour under capitalism as structured by the compulsion to commodify one’s labour power in the first place. Individual workers selling their labour power in the market are seen by Marxists as part of a collective working class previously

“freed” of the means of production and thus subject to economic coercion. Therefore, for Marxists *unfree labour* refers to situations in which workers’ are not only subject to labour exploitation, but are not even free to choose the buyer of their labour power.

Given the centrality of “free” labour as a defining feature of capitalism in Marxist thought, the issue has been contentious. Within the semi-feudalist school of thought (eg, Bhaduri 1973) unfree labour is largely explained as existing within a not-yet-fully capitalist economy, such that the equivalence of free labour and capitalism remains fundamentally unchallenged. In the articulation of modes of production framework (eg, Miles 1987) unfree labour is still considered to be a non-capitalist labour relation but one which can and does interact with capitalism. In the theory of deproletarianisation (eg, Brass 1999), unfree labour can be located within capitalism, seen as emerging from class struggle in which capitalists seek to prevent or suppress class consciousness. This article intervenes in such debates only indirectly by focusing on the conceptualisation of unfreedom in labour relations rather than its role in capitalism.

The concept of *contemporary* or “*new*” *slavery* is distinct. For Bales, it has three aspects: violence, “loss of free will” and economic exploitation (2005:91). He defines a *slave* as “a person held by violence or the threat of violence for economic exploitation” (1999:280). For Bales, all three aspects must be present for an employment relationship to qualify as “slavery.”

2.2 TENUOUS DICHOTOMIES

This section considers particular criteria frequently put forward as defining characteristics of unfreedom in labour relations, implying that in their absence labour must be “free.” The concepts defined above are treated together in this section because while they differ, they all arguably rely on an underlying dichotomy.

One criterion is violence. It would be difficult to deny the role of violence in restricting workers’ freedoms and thereby extracting their labour. Historical and contemporary examples abound. We may nonetheless ask just how harmful actions must be to be classified as violent. Further, violence need not even be visibly present; explicit threats, implicit threats, psychological manipulation, ideology and social norms may serve the purpose. For example: “the menace of a penalty” in forced labour may be “of a psychological nature” (ILO 2009:5); workers’ perceptions of honour facilitate debt bondage mechanisms (Bales 1999; Le Breton 2003:3; OIT 2005:48; Rezende Figueira 2004); “patterns of paternalist domination” based on “economic and moral mechanisms which lead to dependence” underlie contemporary “slavery” in Brazil (Esterci 2008:6); and capitalists’ “multiple sources of power” (in various markets, in brokering access to state benefits and to “social, cultural, and religious benefits,” in granting social “inclusion,” and in invoking “existing and conjured ideologies”) perpetuate unfree labour in South Asia (Da Costa 2008:23). Thus while violence may be the most “extreme” means of restricting freedom, it is not the only one. Unfreedom can be enabled through a variety of other means. Ideologies may be used to restrict workers’ physical and social mobility.

Further complicating the use of violence as a criterion is structural violence, and violence imposed on workers by actors *other* than their employers or traffickers- such as violence inflicted on labour migrants by state actors charged with enforcing immigration law (O’Connell Davidson 2010). The “key to defining slavery” may go beyond “the slave’s relationship with their master or slave holder” (Bales 2007:1) to involve other relations as

well, such as the relation with the state. This complicates the task of drawing a line between free and unfree labour.

Nor is violence exclusive to situations classified as unfree. It has also been inflicted on workers who were generally considered to be “free,” particularly in response to their efforts to organise (eg, Scott 2000). If violence can be apparent in situations of “free” labour, seemingly absent in some cases of “unfree” labour, and used as a means of imposing unfree labour in other cases, then “freedom” in labour relations is more than a continuum. It has multiple dimensions.

Wages have also been used as a criterion of unfree labour (eg, Manzo 2005:522, following Bales [1999:10,24]). Yet the ILO cites case studies in which workers in forced labour received an average of 20% of value-added (Belser 2005:9) or 80% of the minimum wage (ILO 2009:31). This suggests that some wages, albeit inadequate ones, are typically paid even in employment relations that the ILO defines as “forced.” Non-payment may therefore be used as a means of control, as in debt bondage. But coercion can take other forms; payment of wages does not automatically prove that workers are “free.”

So while a distinction between “free” and “unfree” labour relations has been seen by some as analytically useful – eg, in asking why unfree labour persists in an increasingly capitalist world – using any particular criterion to make this distinction is questionable. Violence, manipulation of wages, and even ideology represent *dimensions* along which workers’ freedoms might be restricted (or expanded). But no single, essential criterion can differentiate “free” from unfree labour - or even allow uncomplicated comparisons of “more” and “less” free relations.

Along with analytical critique of these dichotomies is an ethico-political critique. While it might seem that the problem must be named before it can be addressed (Bales 1999:259), recent works have argued that strict dichotomies (between “free” labour and forced/trafficked/“slave”/unfree labour) are not only analytically tenuous but may even be harmful. The danger is that a special category of “victims” may render situations falling outside the category as inherently unproblematic, normalising “lesser” exploitation and abuse (Guérin et al 2009; Lerche 2007; O’Connell Davidson 2010; Rogaly 2008a). Emerging from these critiques is an approach acknowledging varying degrees of freedom / unfreedom in labour relations. These authors advocate going beyond the dichotomy or “binary” approach to re-conceive of highly exploitative labour relations as the extreme end of a continuum. This approach allows “the many legal and social fetters” imposed on “free” individuals to remain visible (O’Connell Davidson 2010:245). This is no less true of the multi-dimensional approach being proposed here.

Fundamentally, these critiques are about an issue central to labour geography, the question of worker agency. Labour geography generally starts from the premise that there is “no doubt that workers – however disempowered – have agency” (Mitchell 2009:584). But Mitchell’s premise is not always self-evident in the literature on “new slavery” – which is said to entail a “loss of free will” (Bales 2005:91) or is described as a situation of “total control” (Sakamoto 2007:31).^{vii} While this may not be an intentional or even consistent denial of agency, the “new slavery” literature is tellingly silent on resistance (Quirk, 2008:70).

It is this issue of agency, and the ways in which this is gendered, which has led to heated debates around human trafficking, with some arguing that all sex work is forced. The concern here is that in the name of anti-trafficking measures, women migrants and sex workers are sometimes “rescued” from a situation they do not wish to leave, or are prevented from

migrating for work “for their own good” (Doezema 2002; Dottridge, ed. 2007; Jana et al 2002). On the flip side, male migrant workers may be refused assistance in confronting exploitative situations because they have “chosen” this work. (See Anderson and O’Connell Davidson 2002:14.) The notion of “victim” vs. active agent is perhaps the true dichotomy that needs to be broken down.

Marxist writings on unfree labour are less likely to obscure the agency and resistance of workers in unfree labour (eg, Lerche 1999:199), focusing instead on “whether, why and when ‘from below’ agency is or is not successful” (Brass 1999:301). Labour geography could potentially make a contribution along these lines. But it would need to move beyond the idea that workers “subject to coercion” are an *exception* in that “they have little or no agency” (Castree 2007:855). Rather, to deepen our understanding of worker agency, one task should be to confront those situations in which it is apparently absent. (See Mitchell 2009:565.)

Objecting to dichotomies need not rule out categories. The difference between “rich” and “poor” for example, typically refers to *levels* of resources rather than to absolute scarcity/abundance – a qualitative break. A continuum approach instead implies that gradations create difference. Yet, many scholars have recognised that assessing “levels” of poverty is insufficient because poverty is not easily measurable along one specific dimension such as income. Rather, it is multi-dimensional, due to the “diverse nature of deprivations” (Sen 2000:18).^{viii} As I argue below, there is also more than one dimension along which to assess whether labour relations constitute slave labour, something not always clear in the continuum approach.

2.3 THE CONCEPT OF SLAVE LABOUR IN BRAZIL

Since 1940, Article 149 of Brazil’s penal code has outlawed “reducing someone to a condition analogous to slavery.” But widespread awareness of the issue owes much to the advocacy efforts of the Catholic Church, beginning in the 1970s (the era of liberation-theology) and continuing through the work of the Pastoral Land Commission (Comissão Pastoral da Terra - CPT). (See Sakamoto 2007:40.) As government and other actors in society have increasingly sought to respond to the problem, they (and the media) have adopted the term long preferred by civil society groups: slave labour (Rezende Figueira 2004:33-48). Slave labour is now firmly part of public discourse.

The concept of slave labour differs from the other concepts discussed above which refer to unfreedom in labour relations. In particular, the legal definition was amended in 2003 as part of wider efforts to address slave labour, described below. Article 149 now specifies various means of coercion which would restrict workers’ freedoms – eg, debt bondage, retention of identity documents, curtailing the use of transport and/or surveillance.

But it also states that “submitting the worker to ... an exhaustive workday” or “degrading conditions” would constitute “reducing someone to a condition analogous to slavery.” Thus the ILO views slave labour as including but broader than forced labour. Nonetheless, the ILO views efforts by actors from government, civil society and the private sector to combat *slave labour* in Brazil as an example which those seeking to combat *forced labour* in other countries might learn from (Costa 2009). This suggests that, in Brazil, there is a strong element of unfreedom in cases identified by government and other actors as slave labour. But it also raises the question of whether, how and to what extent conditions of work are defining criteria (discussed below in section 4.2).

Naturally, the term slave labour itself is dynamic and contested. But degradation and restricted freedoms are consistently essential elements of the concept. A scholarly definition

offered by Sakamoto, for example, draws on both Marxist analysis as well as the Brazilian legal definition. He describes slave labour as “a form of degrading and non-contractual exploitation in which there is curtailment of the individual’s freedom” (2007:7).^{ix}

3. METHODOLOGY

In order to consider the elements of unfreedom and degradation in slave labour, I took a case study approach to examining this phenomenon. I chose two seemingly different groups of migrant workers who had allegedly experienced conditions of slave labour. The first case is of internal migrants working in sugar cane in the Southeast and Centre-West of the country and the second of cross-border migrants from Bolivia working in small-scale garment workshops in and around São Paulo city. The cases differ because in the former case, government efforts to combat slave labour had resulted in the “liberation” of sugar cane workers following official labour inspections. In the latter, however, reports of slave labour had appeared in the news for years but as of 2008, there had been no “liberations” of workers as a result of efforts by the federal government.

Hence, delineating slave labour was more straightforward for the sugar cane case. For the purposes of this article, I considered cases where the Ministry of Labour and Employment (MTE) “liberated” or “rescued” at least some workers to be slave labour, because inspectors judged the conditions to be constitutive of slave labour, and the workers collectively consented to being removed from employment.^x I identified twenty-four cases of slave labour among sugar cane workers in Brazil between the 1st January 2005 and 31 August 2008. Relying on inspection reports, articles published by the NGO *Reporter Brasil* on their website, press releases and newspaper articles, I gathered data on twenty-three of the twenty-four identified slave labour cases.^{xi} I also participated in a routine labour inspection (ie, not in response to concerns about slave labour) in São Paulo state.

In the garment case, conditions have been labelled as “analogous to slavery” by the São Paulo City Council (Câmara Municipal de São Paulo, 2006), by advocates and by the media. During the fieldwork period federal efforts to combat slave labour were not yet benefiting migrant garment workers.^{xii} I attended events along with staff and volunteers from the Migrant Support Centre (CAMI), conducted archival research of newspaper articles held in the collection of the *Centro de Estudos Migratórios* (CEM) and obtained transcripts of testimony given to the São Paulo City Council’s commission of enquiry into conditions in the workshops.

In both cases, I conducted semi-structured interviews (and in the garment case, a focus group) with a range of actors. Workers were interviewed in the state of Maranhão in a region of origin for sugar cane workers as well as for workers liberated from slave labour.^{xiii} In the garment case study, I interviewed Bolivian workers and employers in and around São Paulo city. Other participants included employers, labour market intermediaries, landowners, staff at buyer firms, labour inspectors, and representatives of unions and civil society groups. I prioritised recruiting these different participant “types” across the two cases – that is, different types of actors within or affecting labour relations in the two cases. Given time constraints, this meant that the numbers in each group (of participant “types”) were small. But it allowed for exploring in depth different perspectives on what constitutes slave labour in the two case studies.

Interview participants were not limited to those involved in slave labour. This was principally to explore what is understood as *not* slave labour (and by whom). As the term is contested and operates differently in the two cases, it was important to consider the perspectives of

employers *suspected of* slave labour and workers *vulnerable to* slave labour. For example, in the sugar cane case, employers who had been inspected on suspicion of slave labour were selected, but this included cases in which conditions amounting to slave labour were not identified in the course of these inspections. Across the two cases, some of the workers stated that they had experienced slave labour or had been in conditions that labour inspectors considered to be slave labour while others stated that neither had occurred.

4.1 DIMENSIONS OF UNFREEDOM IN THE CASE STUDIES

It is migrant rather than local workers who typically encounter slave labour, even though the initial choice to migrate is usually voluntary. In sugar cane, it is typically young men from other states who are “liberated.” Local workers experience violations of labour and employment rights but are far less likely to be found in slave labour. Similarly in the garment case, homework has been an increasing trend in which native-born women workers do experience labour violations; but slave labour has only been identified in the small-scale garment workshops where men and women from Bolivia and other Latin American countries live and work. This section presents the different dimensions of unfreedom for each case, beginning with the sugar cane case.

Social relations at stake when recruitment occurs through networks or labour recruiters:

Workers generally need the recommendation of either a labour recruiter or another worker in order to have a chance at getting their first cane-cutting job. (Monthly income is potentially high in sugar cane relative to other opportunities available.) Additionally, employers are able to evade responsibilities which come with inter-state recruitment by using labour recruiters (known somewhat pejoratively in Brazil as *gatos*): the workers are brought to them and they are not seen as recruiting migrant workers *in* the workers’ regions of origin. Some *gatos* have reinvented themselves as “travel agents” who simply provide transportation services. Nonetheless, recruitment and screening functions are still provided by many of them. *Estevan*, who runs his agency out of a bus terminal, for example, stated the following:

“When I recruit^{xiv} a worker here to cut cane, I look at him and already know if he will be able to stand it or not ... Because I already cut (cane). I know what the suffering is like.”

The social relations upon which access to these jobs depend can limit workers’ options, because their actions on the job would in turn impact their network of social relations in the region of origin. This helps explain why, when *Rodrigo* left one job after 10 days, he did not seek payment. Similarly *Felipe* left a job after a month’s work but did not request his pay for fear of being “blacklisted.” The recruitment of migrant workers through social networks, particularly through *gatos*, is one way in which employers seek to obtain a productive, flexible workforce.

Illegality in hiring and employment practices: In some cases, *gatos* may go beyond the role of recruiters, arranging food and housing for workers, supervising and/or paying workers. This generally constitutes illegal labour sub-contracting. Another form of illegal labour subcontracting is when the distillery rents land, providing tools and supervising work on this land, but lists the landowner as the employer – again disguising their status as the employer. Informal employment, in which work cards are not signed or issued, is also in violation of employment law. Additional illegal aspects are: manipulations of wages such as illegal deductions from pay; inflated prices at company stores; improper recording of working hours; and non-payment or delayed payment.

Power relations resulting from tied accommodation: Many sugar cane workers are housed (for a number of reasons) in dormitory-style housing provided by the employer or (as described above) in housing arranged by labour recruiters. This arrangement creates a relationship of dependency, increasing the power of employers vis-à-vis their workers, as shown by Anderson and Rogaly in the UK context (2005). Isolation and tied accommodation can enable a system in which workers are forced to make all purchases from their employers. Together with other manipulations of wages and deductions from pay, this can amount to debt bondage.

Status of workers as migrants, often racialised: Housing arrangements also help to mark migrants as a group separate from the established local population. Although race is rarely included in policy discussions on slave labour (IOS 2004:47; Nunes 2009), Vitorassi shows that this “outsider” status is racialised (2007, p 123). Similarly, I found that migrants are considered to be better suited to the hard work of cane cutting than locals and that those in slave labour are more likely to be of African origin (with some notable cases of indigenous workers) than the general population. This “outsider” status justifies different standards of employment based on ideological understandings of a group’s suitability for particular types of employment (McGrath 2012).

Piece-rate systems of pay, interacting with workers’ own strategies to accumulate income in the face of limited alternatives: Finally, the piece-rate system itself, with most workers earning according to how much cane they produce, is an integral part of this picture. Initial referrals to jobs, mentioned above, constitute an implicit promise of productivity. The jobs typically start with a probationary period requiring that a certain production level be met. Even after this, workers whose production levels fall too low may be subject to (illegal) unpaid suspension. At the end of the season, workers average production levels are tallied and this will affect their chances of being rehired the following season.

The process by which production levels are measured suffers from a lack of transparency. It was not only union representative *Clara* who claimed to have evidence of “fraud.” *Felipe*, who had worked as a foreman, also mentioned this issue, stating:

“... if you are friends with the foreman, it's easier for you to earn money ... now if you are not friends – you got it? ... he takes your meters and puts it onto another's.”

Crucially, though, piece rates *appear* fair and even desirable. More productive workers are proud of their skill and effort, while the less productive seem to have only themselves to blame. (See Gidwani 2001.)

There are many parallels to the garment case study, beginning with *tied accommodation*. Living and working space for migrant garment workers is routinely combined within the same building. Housing and meals are considered to be part of the compensation package. While this may be seen as voluntary, it is still a powerful restriction on workers’ physical and labour market mobility. To lose one’s job is to lose one’s home.

The *social relations relied upon to access these jobs* function in a similar way as they do in the sugar cane case. All of this is connected to *immigration status* in the garment case, as some lack work authorisation in Brazil and face barriers to obtaining accommodation. Irregular immigration status also creates space for threats of deportation and retention of identity documents as a means of imposing unfreedom. Workers are sometimes also told that they owe money for the trip to Brazil, or that their wages will be lowered or even eliminated

during a “training” period. These practices are enabled by the fact that workers in these sewing workshops are typically paid on a piece rate.

For Bolivian migrants, there is the added weight of how complaints and conflicts might influence Brazilians’ perceptions of their community. *Race and “outsider” status* are therefore also important in this case, but further intertwined with nationality and immigration status. Bolivians are seen as indigenous and therefore identifiably “foreign” in São Paulo. They are commonly referred to as “*clandestino*,” a term similar to “illegal.” As Anderson puts it, race and migrant status “often coincide and the denial of rights to ‘illegal immigrants’ ... is made more palatable by the fact that the majority of people to whom these rights are being denied have a racialized identity” (2000:148).

The prevailing standard of pay in the workshops is typically at least the statutory monthly minimum wage, but often below the collectively bargained minimum wage that workers should be entitled to. And, as in sugar cane, there have been cases in which garment workers, particularly just after arriving in Brazil, are paid little or nothing at all for a time. Delayed payment of wages is a particular problem in garment workshops, likely to keep some workers on the job in the hopes of recovering these unpaid wages. *Isabela*, for example, relates a story in which she requested unpaid wages from her former employers, who responded that they did not know her and had never employed her.

There is also the thorny question of whether workers accept their conditions. If so, this leads to questions – leading to a vociferous debate between Banaji (2003) and Brass (2003), for example – about whether such a “choice” equates to “freedom.” One labour inspector challenged accounts of “slavery” by showing me pictures in which workers looked “happy.” The tension between workers’ apparent acquiescence and claims of “slavery” is resolved by some through interpreting the former as false consciousness or as a psychological issue. This is reflected in Bales’ story about a worker “born without hope” who “*voluntarily* put himself back into slavery” (1999:211; 2005:33).

These dichotomies sometimes obscure at least as much as they reveal. There are tensions between workers’ “voluntary” choices and the structural constraints they face. Migrant workers in the cases analysed here are making constrained choices, based on relative lack of options and on obligations to others which must be met (O’Neill 2011). For some workers, it may be a “reluctant choice” (Rafique et al 2006 cited in Rogaly 2009:1979).

In light of these structurally constrained options, there are particular *spatio-temporal rationalities* at work. Workers in both cases frequently conceive of their migration as a period of suffering which will be justified because it offers a means of achieving particular projects and goals. *Rodrigo*, for example, spent seven years working in sugar cane in São Paulo state before he and his wife *Ana Paula* returned to their home town to open a clothing shop upon their return. The lack of livelihood options means that some workers engage in risky projects of labour migration with varying outcomes. Migrant workers, by running the risk of falling into slave labour or even enduring a period of unfreedom, may be able to achieve some of what they set out to accomplish.

Delayed payments and illegal deductions, labour market intermediaries, tied accommodation, piece rates, immigration status, the use of violence, social relations, and workers’ own spatio-temporal rationalities all factor into the freedoms and unfreedoms within these labour relationships. It is not just how unfree workers are, but what dimensions of unfreedom are

present and to what extent. To this, we must add a consideration of the conditions which workers are subject to as a consequence.

4.2 DEGRADATION AS INDICATIVE OF UNFREEDOM

Restrictions on workers' freedoms alter the power relations within labour relations, leaving workers in a weaker bargaining position. This is likely a causal factor in degrading conditions of employment. (See ILO 2009:8.) The question thus arises of what matters in regards to slave labour and related phenomena: the restrictions on workers' freedoms, that these restrictions might lead to degrading conditions, or the degrading conditions themselves.

While on paper degrading conditions alone might now legally constitute slave labour in Brazil, this did not occur in practice during labour inspections in sugar cane. The burden of proof in demonstrating restrictions on workers' freedoms had been reduced *in the presence of degrading conditions* but not, in practice, eliminated. The inclusion of degrading conditions and an exhaustive workday as legally indicative of slave labour therefore appears to be premised on an assumption that extreme degradation results from, and is therefore a signal of, restricted freedoms. And the latter (degrading conditions) are easier to prove than the former (restricted freedoms) given the nature of contemporary forms of debt bondage and human trafficking.

Degrading conditions are thus treated as a symptom of unfreedoms, but not only as such. They also matter in and of themselves in establishing what constitutes slave labour. Although it is possible to imagine a rare case in which workers' freedoms are relatively restricted while their conditions relatively decent (say, for a talented athlete), it is nearly impossible to imagine any widespread understanding of this as slave labour. The idea that degrading conditions can be not only legally indicative but conceptually constitutive of slave labour is elaborated by Esterci, for whom the term "slavery" is a "refusal" to relinquish "culturally acceptable limits of inequality" and "culturally sanctioned notions of humanity" (2008:8). In other words, nobody should be treated "like a slave" – they should instead enjoy freedom of movement, freedom to change employers, and freedom to contest conditions *as well as* decent conditions of employment. There is more than one dimension informing conceptions of slave labour.

4.3 DIMENSIONS OF DEGRADATION

The majority of problems labour inspectors identified in the sugar cane cases do indeed relate to the *conditions* workers are subject to - including the conditions in tied accommodation - rather than their *terms* of employment. Yet what exactly constitutes degrading conditions might seem even more difficult to pin down than what constitutes unfreedom. "Degradation" is understood here as involving a lack of guarantees around standards for health and safety and for conditions of work, housing, hygiene, respect and nutrition (De Brito Filho 2006:13). Health and safety issues are prominent. Where workers' daily biological needs are not provided for, conditions of employment are degrading. Below I explore the dimensions along which conditions of employment can be understood as degrading for the sugar cane case and then for the garment case.

Failure to provide protection from workplace hazards: Manual cane-cutting is considered a hazardous occupation; the work itself carries risks. These workers are performing repetitive motions with sharp objects in unkind conditions which often include working under a hot sun (or in the rain). (See Abreu 2007:175.) Worksite practices can fail to provide adequate protection against these risks or even exacerbate them.^{xv} Adequate drinking water, safety gear to prevent cuts and reduce chemical exposure, sanitary facilities at the worksite, shelter to

take meal breaks, safe transport to the worksite and availability of first-aid materials are all necessary to lower health and safety risks. But these measures are often not taken.^{xvi}

Employer-provided housing is frequently overcrowded, unhygienic and structurally unsound. There may be no secure place to store tools, no provision to wash potentially contaminated work clothes, no separate kitchen, no sanitary facilities, a lack of potable water and a lack of mattresses and/or bedding. Many workers interviewed confirmed experiences of these violations.

Effects of intensification of work (through piece rate system) and extensions of the workday: There have been cases in which workers are not granted adequate rest periods or the workday is extended beyond the legal limit. For *Carolina*, *Alex* and *Pedro*, limits to the workday (including breaks) mark the difference between “normal work” and slave labour.

But work rhythms are also structured by the piece rate system. Over the years, workers’ average monthly salaries have been maintained while productivity levels have gone up (from three tons per day in the 1950s to six in the 1980s to twelve at the turn of the millennium) (Alves 2006:92). In other words, the real value of piece rates has declined and workers have compensated for this by increasing their productivity.^{xvii} This increased intensity of cane cutting work elevates risks of dehydration and accidents. *Caio* mentioned ubiquitous cramps while *Larissa* mentioned crying “in that heat.” Workers sometimes do not use the clothing and safety gear provided because it makes them feel hotter, or is awkward and slows them down.

The “working life” of a manual cane cutter is considered short, many say ten years at the most. Hence, *Rodrigo*’s decision that he could no longer cut cane because “the work is very heavy ... I was exhausted. Seven years, that was a long time. I was tired already....” While the evidence from one report on health and safety in rural work is mixed (MTE 2007), the rate of deaths in sugar cane appears particularly prone to under-reporting. This is because the exhaustive work may lead to deaths from heart attacks or other causes not easily attributable to occupational health and safety. 39-year old cane cutter Juraci Barbosa da Silva’s death in the early hours of 29 April 2006 was unexplained, for example, but records indicate that he cut 24.6 tons on 21 April and 17.4 tons on 28 April (Grupo Estadual Móvel Rural / SP SDT - Barretos 2008).

As stated above, some definitions specify that those in slave labour earn no wages. Many sugar cane workers have in contrast been liberated on the basis of restricted freedoms and degrading conditions in spite of the fact that their earnings were high compared to other agricultural workers. But in some cases *non-payment or severe underpayment* is significant. In the PAGRISA case, for example, records of payment below the minimum wage, of zero pay, and of negative wages (representing debts) factored into the decision to “liberate” over 1,000 workers from conditions of slave labour in 2007.

In small-scale garment workshops, the workspace and living space are routinely combined, so *work-related health and safety overlaps with housing-related issues*. These include neglect of ergonomic issues and inadequate meals. Other problems noted in a report of an inspection conducted by the Public Ministry of Labour in September 2007 are common. The report describes “exposed wiring, leakage and mould on the walls, little illumination and a lack of ventilation. Stairs without a railing, one bathroom for both genders, and kitchens without the minimal hygienic conditions. An inadequate and insufficient working environment for twenty people” (MPT 2007).

These issues lead to various illnesses and injuries for workers. (See Buechler 2004:111; Câmara Municipal de São Paulo 2006:32.) Among these issues, cases of Tuberculosis (TB) among workers and those running the workshops have been reported in the media (eg, Folha de São Paulo 2005). *Sara*'s family took measures to separate the working space and living space when they set up a workshop, but she mentioned suffering from a cough for months. This may also affect family members who are living but not working in the workshops: *Elías*' niece, two years and 10 months old at the time, was hospitalised with lung problems. The São Paulo City Council also identified delay of pre-natal treatment among this workforce (Câmara Municipal de São Paulo 2006:32). *Isabela* described giving birth by Caesarean section one morning and being back at work the following afternoon.

In this case, *the piece rate system again sustains "exhaustive workdays"* but through long hours rather than (solely) intensity. The shortest working time reported by interview participants consisted of twelve hour days, five and a half days per week - of intense, repetitive motions.

Finally, there is evidence that *the combination of living and working space increases the risk of gendered violence* in these workshops. This violence is not necessarily perpetrated by employers (Da Silva 1997:139; Illes 2007a and Illes 2007b).^{xviii} An event which marked the life of *Isabela* was the sexual assault of her then teenage daughter. *Isabela* and her husband were running a workshop. During a barbecue they held, an employee carried out the assault on *Lucía*, who suffers from Down's syndrome. *Isabela* felt that she and her husband were largely to blame because "we didn't separate (things); we mixed things together." As a result, she no longer wished to participate in running the workshop. The "mixing" she referred to is in large part about the combination of living and working space.

This combination means that migrant workers spend nearly every minute together from Monday morning until Saturday afternoon a small space. Most waking time is spent on sewing, with breaks mainly for meals and showers. While workers may agree to these conditions, the space to exercise autonomy within such conditions (incredibly long hours, combined working and living space, and a [resulting] lack of integration in the host society) is limited. If we have come to acknowledge that most sexual violence occurs in "private space," then the spaces constituted in these workshops can be seen as ones in which there is likely to be an elevated risk of sexual and other gendered violence. Breman (1990:207) also notes the phenomenon of gendered violence perpetrated by male workers against women in the informal sector in India, suggesting that this is an issue which deserves further attention.

Lack of protection from occupational hazards, unsanitary conditions, failure to provide drinking water, unsafe transport, inadequate nutrition and inadequate rest may all threaten workers' well-being in these cases. Intensification of work and long workdays exacerbate these health and safety risks. In the garment case, the combination of living and working space creates an environment in which the risk of gendered violence is elevated. These are multiple dimensions which together may add up to "degrading conditions," signalling a crisis of social reproduction among this workforce. (See Martin 2010.) Alongside indications of unfreedom, these conditions factor into judgments about what constitutes slave labour in the minds of labour inspectors, the media, advocates, elected officials and others.

I attempt to illustrate a multi-dimensional approach in Figure 1. The solid arrows represent different dimensions along which workers may experience "more" or "less" freedom in labour relations and the dashed arrows represent different dimensions along which they may experience "more" or "less" degradation. Different categories such as debt bondage,

trafficking, slave labour and (unfree) apprenticeships (in which workers agree to restricted freedoms and difficult or degrading conditions based on the promise of future rewards) are represented by the smaller ovals. This captures not just degrees of unfreedom, but the different types of both unfreedom and degradation.

We can still conceive of a sphere within which we would apply a broad category such as unfree or forced labour (represented by the shaded oval) because the terms and conditions of employment represent severe and unacceptable violations of workers' rights. The concept of "decent work" (which according to the ILO includes employment opportunities, fundamental rights at work, social protection and social dialogue) could therefore be seen as falling outside of this sphere without implying absolute "freedom" and ideal conditions. This static and two-dimensional diagram naturally cannot capture all aspects of multi-dimensionality (particularly change over time); I nevertheless hope it helps in visually communicating the basic idea behind the multi-dimensional approach.

4.4 AGENCY AND RESISTANCE IN A MULTI-DIMENSIONAL APPROACH

Workers in slave labour are not without agency. Beyond the idea of a "reluctant choice" discussed above, labour migration may offer a path to escape existing unfreedoms. This is similar to the spatial strategies of Indian workers in undertaking migration described by Rogaly (2009:1981). In the case of the sugar cane workers, share-cropping relations are prominent in Timbiras in the state of Maranhão (Sampaio Carneiro et al 2007) and the experiences of interview participants confirmed this. Escaping one type of unfree labour relation entails the risk of ending up in a different type of unfree labour relation, but is nonetheless an exercise of agency.

Once on the job, workers' responses are shaped by the particular conditions they encounter. For many migrant sugar cane workers, the potential for employment practices to have fatal consequences seems to lurk in the backdrop. *Alex*, for example, asserted, "I don't want to work in order to die; I want to work in order to live." At this extreme, when workers' lives are perceived to be at risk, there may be outright rebellion. *Miguel* described an incident in which a friend of his became ill and the crew of fifty workers brought him to the bus. When the driver told them that it would pass, the crew "rebelled against" him because otherwise "the guy could have died^{xix} on the field."

This exercise of agency, of course, exists within a scenario of above-mentioned campaigns to combat slave labour (albeit applied mainly to internal rather than cross-border migrant workers). Government efforts at the federal level were first instituted by the Cardoso administration and expanded under the Lula administration in cooperation with the International Labour Organisation. Key aspects of these efforts include publication of a "Dirty List" identifying firms and individuals responsible for slave labour, which allows the government to restrict subsidised credit to those on the list and allows signatories of the National Pact to Eradicate Slave Labour to take similar actions, such as refusing to use firms on the list as suppliers.

Cane cutters therefore may make official complaints of slave labour, likely triggering an inspection, and they frequently do. On the surface, this is an individualised act claiming protection. It can nonetheless be understood as resistance (Rezende Figueira 2004:75-78). And these complaints may be only one part of the pressure workers put on their employers when facing conditions which are degrading or unacceptable. At the Olho d'Água plantation of the Alcoopan Alcool do Pantanal distillery owned by Silvio Zulli, for example, a group of workers travelled to the state capital to lodge a complaint of slave labour while others

blocked roads in protest over conditions. The initial inspection resulted in the liberation of 318 workers. If the language of “rescue” and “liberation” implies that workers are unable to help themselves, this is subverted by workers who use the possibility of a “rescue” as a tool in their struggle.

This type of collective resistance is usually not visible. But we must also be mindful of seemingly small acts which establish minimum standards (Rogaly 2008a; Rowbotham 1994), even if these standards are below those which in theory legally apply. While working hours might be beyond the legal maximum, they can still be negotiated - and they are. Some of these negotiations may also appear to be individualised at first glance, but shared notions of what constitutes fair treatment are established through ongoing social processes which are neither purely individual nor collective.

Recognising agency and resistance is dependent on an understanding of the context. For example, many of the garment workers interviewed accepted the principle that lower wages or no wages would be paid during an initial “training” period. While the length and conditions of this period might be subject to contestation, the view that non-payment could be justified during this period indicates that there may be different sets of standards for different time periods.

In the sugar cane case, a key part of the context is that male workers are expected to undertake their seasonal migration alone. Where housing is provided, it is generally set up for single workers; one human resources manager explained this as the reason that the firm would not hire women as cane cutters. As such, these male migrant workers are constructed as individuals unencumbered by responsibilities for family members, who are thereby rendered invisible in the destination region. In a framework recently elaborated by Bezuidenhout and Buhlungu, this represents spatial and reproductive control, forming part of a normative-corporal order (2010:241-242). Yet in Maranhão, I was told that workers were increasingly bringing their partners and children with them when they migrate, arranging their own housing. To do so therefore must be understood as a form of resistance.

The social and community ties which frequently serve to keep workers in their place can potentially be turned to the advantage of workers. In the garment case, some workers attempt to recover unpaid wages after leaving their employers. *Adalberto*, for example, was able to recover his unpaid wages after he left one workshop. He accomplished this by embarrassing his former (Bolivian) employer in front of the latter’s colleagues.

This is also true in the sugar cane case. These intermediaries can also be vulnerable and under certain circumstances, held to account by the workers for ensuring that the promised jobs actually materialise. Workers and recruiters alike fear undertaking a long journey to find that the employer is no longer hiring. And in this case, it is the *gato* whose reputation is at stake. *Yasmín*, who works with her mother in running a “travel agency” (although focused on work in other crops), stated that *Gustavo*, another “travel agent,” was defending himself in court over a case in which he transported people to jobs that failed to materialize., *Gustavo* also stated to me that a group of workers who went on strike brought “shame” on him.^{xx} The “in-between” position occupied by labour market intermediaries in the Indian context is noted by Breman (1996:250) and Picherit (2009).

Coe and Jordhus-Lier (2010) and Cumbers et al (2008), advocate adopting Katz’ (2004) typology of resilience, reworking and resistance to understand workers’ exercises of agency. This allows us to see that exercises of agency can differ in ways that influence their effectiveness, such as the level of change they seek to implement and the levels of risk

involved. Rather than an ambitious attempt to identify whether the workers in question are resisting “hegemonic social relations” or “hegemonic power” (Katz 2004:247), however, I would like to consider simply whether they accept the overall terms of and conditions of employment. Translated to this micro-scale, the evidence from the case studies above would suggest more “reworking” than “resistance” going on.

But this is less clear if what we are asking is whether workers resist slave labour or not. If slave labour can represent a qualitative break, if the lines drawn between acceptable and unacceptable conditions are meaningful even if a matter of degree, then “reworking” labour relations may represent a “resistance” to slave labour. This is true in as much as standards are set which prevent the imposition of conditions so restrictive and degrading that they would constitute slave labour.

Holding the line on difficult or “onerous” work so that it does not descend into degrading or “slave” labour is not a semantic exercise for workers. It represents their attempts to establish rights to access clean drinking water, to be provided with safety gear when undertaking hazardous work, and to be free from sexual assault, among other aspects critical to their well-being. As emphasised by Rogaly, these “incremental changes” at the “micro-scales” can be “significant to workers” (2009:1976). If viewing slave labour as a multi-dimensional concept brings agency, reworking, and resistance into view, then this holds the promise that there may be ways to combat slave labour and related phenomena without doing so at the expense of those classified as “free.”

5. CONCLUSION

The “binary” approach to labour as either free or unfree has come under criticism of late for failing to challenge understandings of “free” labour as the norm and unfree labour as an exception. In examining the concept of slave labour in Brazil through two case studies, this article has built on but gone beyond the continuum approach in which workers are viewed as experiencing “more” or “less” freedom. The approach presented here acknowledges many potential dimensions of unfreedom and degradation in labour relations. As such, it may facilitate analysis of the varied means of exploiting labour within contemporary forms of capitalism.

Slave labour is understood as multi-dimensional in that there are different ways in which workers’ freedom of movement, their freedom to change employers, and their freedom to contest conditions might be restricted, each to varying degrees. In addition, the degree to which workers’ conditions of employment are degrading is taken into account when judging whether a particular situation should be classified as slave labour. This is also assessed along a number of dimensions related to workers’ well-being.

While I argue that the multi-dimensionality of the slave labour concept is useful, I must caution that this does not necessarily mean promoting the term itself. The meanings of such words are determined within their context and they change over time. Some sugar cane workers benefitted from efforts to combat slave labour or were able to use the language of slave labour as a tool in their efforts to improve their own conditions. But during the period of fieldwork, accusations of slave labour in garment workshops generally did *not* benefit these workers. Complaints of slave labour could even make them worse off, as in cases where the end result for workers was an order of deportation. While seeking analytical clarity, we must also attend to the political implications of the terms we use.

Acknowledging multi-dimensionality is a useful step in recognising the diversity of labour relations which might be grouped together as forced or unfree. Categories (eg, trafficking,

debt bondage, etc.) can be compared without having to designate one form as more or less free, or more or less harmful, than the other. My hope is thus that a multi-dimensional approach can draw attention to extreme restrictions on workers' freedoms and degrading conditions without essentialising them and thus normalising "lesser" exploitation. Rather, the similarities and distinctions in the means by which workers' freedoms are restricted and the types of degradations encountered can be examined.

Moving towards this higher level of complexity can also render visible the myriad types of agency exercised by workers, a central theme in labour geography. The very act of migrating – whether undertaken in order to escape some types of unfreedom, to meet obligations, or to achieve particular goals – is an exercise in agency. But it is one which carries the risk of encountering restricted freedoms and degrading conditions. Where this is the case, workers may seek to resist or to simply "rework" these labour relations in order to either escape them or just make them more bearable. These resisting and reworking efforts can take individual and collective forms as well as forms not easily categorised in these terms. The efforts must be acknowledged and supported. They can make the difference between "onerous work" and slave labour. In terms of migrant workers' well-being, this can be a difference which is both figuratively and literally vital.

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ⁱ Eg, Van Den Anker 2004.

ⁱⁱ Eg, Manzo's description of the 'shift from legal ownership to illegal control' (2005 p. 521).

ⁱⁱⁱ The ILO estimate is a minimum of 12.3 million persons in forced labour worldwide (ILO 2005).

^{iv} Bales himself refers to 'an often uncritical acceptance of the estimate' (2005, p. 103).

^v Art.2.1.

^{vi} ‘Exploitation’ according to the Protocol includes, ‘forced labour or services, slavery or practices similar to slavery’ and ‘servitude’ in addition to prostitution and ‘sexual exploitation.’

^{vii} The latter reflects prevailing legal interpretations of the crime of slave labour in Brazil prior to the 2003 amendment of the Penal Code.

^{viii} The basis of the capabilities approach (Sen 1999; Nussbaum 2000) operationalized in the United Nations’ Development Programme’s Human Development Index (HDI) and Multi-dimensional Poverty Index (MPI).

^{ix} He also references ‘*coisificação*,’ which might be translated as either ‘objectification’ or ‘commodification.’

^x ‘Liberated’ workers are now eligible for benefits which include unemployment insurance and, often, unpaid wages and damages.

^{xi} Data was not available for one case. While the data here refer to cases classified as slave labour, inspection reports from three additional cases were also reviewed.

^{xii} The ‘liberation’ of two workers in late 2010 was reported as the first (Pyl and Hashizume 2010).

^{xiii} The analysis therefore draws more on the experiences of migrants from the North and Northeast working in the South-East and Centre-West, and less on the experiences of those working in the coastal Northeast or of indigenous workers in the Centre-West.

^{xiv} ‘*arrumo*’

^{xv} Child labour is rare in sugar cane today, but there have been instances of adolescents performing hazardous work in violation of the law.

^{xvi} Biondi, Monteiro and Glass report that of 2,236 notices issued between January 2007 and July 2008, 44% were regarding hygiene and comfort and 17% were about worker health and safety (2009, p. 12).

^{xvii} See Rogaly 2008b for similar dynamics in UK agriculture.

^{xviii} See also “Coreanos Exploram Bolivianos em SP” from an unidentified newspaper in 1992, in the archives of the Migration Studies Centre.

^{xix} ‘*era capaz de morrer*’

^{xx} De Menezes and Saturnino also mention this (2007, p. 249).